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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

COMMONWEALTH OF MASSACHUSETTS;  
PEOPLE OF THE STATE OF CALIFORNIA ex rel.  
Rob Bonta, Attorney General of California; STATE OF  
COLORADO; STATE OF CONNECTICUT; STATE OF  
DELAWARE; DISTRICT OF COLUMBIA; STATE OF  
HAWAII; PEOPLE OF THE STATE OF ILLINOIS;  
STATE OF MAINE; STATE OF MARYLAND;  
ATTORNEY GENERAL DANA NESSEL on behalf of  
the PEOPLE OF MICHIGAN; STATE OF  
MINNESOTA by and through Attorney General Keith  
Ellison; STATE OF NEVADA; STATE OF NEW  
JERSEY; STATE OF NEW MEXICO; STATE OF NEW  
YORK; STATE OF NORTH CAROLINA ex rel.  
Attorney General Joshua H. Stein; STATE OF  
OREGON; COMMONWEALTH OF  
PENNSYLVANIA; STATE OF RHODE ISLAND;  
STATE OF VERMONT; COMMONWEALTH OF  
VIRGINIA ex rel. Attorney General Mark R. Herring;  
STATE OF WISCONSIN,

Plaintiffs,

v.

MIGUEL CARDONA, in his official capacity as  
Secretary of Education; and UNITED STATES  
DEPARTMENT OF EDUCATION,

Defendants.

CASE NO. 4:20-cv-04717 SBA

**DECLARATION IN SUPPORT OF  
JOINT STIPULATION TO CONTINUE  
THE JOINT CASE MANAGEMENT  
STATEMENT AND CASE  
MANAGEMENT CONFERENCE**

1  
2 I, J. Wesley Samples, declare as follows:

3 1. I am an Assistant United States Attorney and represent the Defendants in the above captioned  
4 matter. I am a member in good standing of the State Bar of California. The Matters stated in this  
5 declaration are true of my own knowledge, and if necessary, I could and would competently testify to  
6 them.

7 2. In the Joint Stipulation Plaintiffs and Defendants jointly request to continue the Joint Case  
8 Management Statement due May 6, 2021 to August 5, 2021, and to continue the Case Management  
9 Conference set for May 13, 2021 to August 12, 2021.

10 3. The Parties are requesting these changes in view of the position of the Biden Administration's  
11 belief that colleges must be held accountable if they take advantage of students. To that end, the  
12 Department of Education, under the recently confirmed Secretary of Education Dr. Miguel Cardona, plans  
13 to look at the borrower defense regulations and identify ways the Department can make sure its regulations  
14 create a fair process for students to receive relief if they have been harmed by their college. *See also*  
15 DEPARTMENT OF EDUCATION ANNOUNCES ACTION TO STREAMLINE BORROWER DEFENSE RELIEF PROCESS  
16 (March 18, 2021), [https://www.ed.gov/news/press-releases/departments-education-announces-action-](https://www.ed.gov/news/press-releases/departments-education-announces-action-streamline-borrower-defense-relief-process)  
17 [streamline-borrower-defense-relief-process](https://www.ed.gov/news/press-releases/departments-education-announces-action-streamline-borrower-defense-relief-process) ("The Department will be pursuing additional actions  
18 [addressing borrower defense claims], including re-regulation, in the future.") This extension will allow  
19 the Parties to evaluate how that ongoing process may impact this case.

20 4. This is the fifth request to modify the schedule in this case, and this request will not impact any  
21 deadlines other than those indicated herein.

1 I declare under penalty of perjury under the laws of the United States that the above is true and  
2 accurate. Executed with 3rd day of May 2021, in San Francisco, CA.

3  
4 DATED: May 3, 2021

Respectfully submitted,

5 /s/ J. Wesley Samples  
6 J. WESLEY SAMPLES  
Assistant United States Attorney

7 Attorneys for Defendant  
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